

IN THE CLAIMS:

Applicants, pursuant to revised 37 C.F.R. § 1.121, submit the following amendments to the claims:

1. (Previously amended) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:1, or a fragment of SEQ ID NO:1 of about 50 to 79 contiguous residues in length, wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least  $10^8 \text{ M}^{-1}$ .

2. (Previously amended) The isolated polypeptide of claim 1, wherein the isolated polypeptide is from about 69 to 79 contiguous residues in length.

3. (Currently amended) The isolated polypeptide of claim 1, wherein the isolated polypeptide comprises of SEQ ID NO:1.

4.-7. (Cancelled).

8. (Previously amended) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:2, or a fragment of SEQ ID NO:2 of about 80 to 419 contiguous residues in length, wherein the C terminal 79 contiguous amino acids are present, wherein at least one N-linked glycosylation site is present, and wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least  $10^8 \text{ M}^{-1}$ .

9. (Previously amended) The isolated polypeptide of claim 8, wherein the isolated polypeptide is from about 350 to 419 contiguous residues in length and three N-linked glycosylation sites are present.

10. (Currently amended) The isolated polypeptide of claim 8, wherein the isolated polypeptide comprises of SEQ ID NO:2.

11.-17. (Cancelled).

18. (Currently amended) A pharmaceutical composition for treating solid tumors that overexpress HER-2, comprising an agent selected from the group consisting of: (a) an isolated polypeptide comprising the amino acid sequence of SEQ ID NO:1, or a fragment of SEQ ID NO:1 of about 50 to 79 contiguous residues in length, wherein the polypeptide binds to the extracellular

domain (ECD) of HER-2 with an affinity binding constant of at least  $10^8 \text{ M}^{-1}$ ; (b) an isolated polypeptide comprising the amino acid sequence of SEQ ID NO:2, or a fragment of SEQ ID NO:2 of about 80 to 419 contiguous residues in length, wherein the C terminal 79 contiguous amino acids are present, wherein at least one N-linked glycosylation site ~~is~~ are present, and wherein the polypeptide binds to the extracellular domain (ECD) of HER-2 with an affinity binding constant of at least  $10^8 \text{ M}^{-1}$ ; (c) a monoclonal antibody that binds to the extracellular domain (ECD) of HER-2; and (d) combinations thereof, and a pharmaceutically acceptable carrier, with the proviso that ~~the agent cannot be the monoclonal antibody alone, and a pharmaceutically acceptable carrier where the composition comprises the monoclonal antibody it also comprises at least one of the agents of (a) or (b).~~

19. (Previously amended) The pharmaceutical composition of claim 18, wherein the agent is the isolated polypeptide comprising the amino acid sequence of SEQ ID NO:1, or a fragment of SEQ ID NO:1 of about 50 to 79 contiguous residues in length.

20. (Previously amended) The pharmaceutical composition of claim 19, wherein the agent is a combination of the isolated polypeptide comprising the amino acid sequence of SEQ ID NO:1, or a fragment of SEQ ID NO:1 of about 50 to 79 contiguous residues in length, and the monoclonal antibody that binds to the extracellular domain (ECD) of HER-2.

21.-26. (Cancelled).

27. (Previously added) An isolated polypeptide consisting of the amino acid sequence of SEQ ID NO:1.

28. (Previously added) An isolated polypeptide consisting of the amino acid sequence of SEQ ID NO:2.

29. (New) The pharmaceutical composition of claim 18, wherein the agent is an isolated polypeptide comprising the amino acid sequence of SEQ ID NO:2, or a fragment of SEQ ID NO:2 of about 80 to 419 contiguous residues in length.

30. (New) The pharmaceutical composition of claim 18, wherein the agent is a combination of the isolated polypeptide comprising the amino acid sequence of SEQ ID NO:2 or a

fragment of SEQ ID NO:2 of about 80 to 419 contiguous residues in length, and the monoclonal antibody that binds to the extracellular domain (ECD) of HER-2.